

IN RE: PETITION FOR RESIDENTIAL ZONING VARIANCE  
SW of Army Road, 1510 ft. SW of Malvern Avenue  
921 Army Road  
9th Election District  
4th Councilmanic District  
William T. Smoot  
Petitioner

\* BEFORE THE  
\* ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* Case No. 92-126-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a variance from Section 1802.3.B (202.1, 202.4) of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 10 ft., in lieu of the required 20 ft.; and a rear yard setback of 36 ft., in lieu of the required 50 ft., as more particularly described on Petitioner's Exhibit No. 1.

The Petitioner having filed a Petition for Residential Variance and the subject property having been posted and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioner has filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, pictures, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 22<sup>nd</sup> day of October, 1991 that the Petition for a Zoning Variance from Section 1802.3.B (202.1, 202.4) of the Baltimore County Zoning Regulations (B.C.Z.R.) to a side yard setback of 10 ft., in lieu of the required 20 ft.; and a rear yard setback of 36 ft., in lieu of the required 50 ft., in accordance with Petitioner's Exhibit No. 1, is hereby GRANTED, subject, however, to the following restriction which are conditions precedent to the relief granted herein:

1. The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

LAWRENCE E. SCHMIDT  
Zoning Commissioner  
for Baltimore County

LES:mmm

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning

111 West Chesapeake Avenue  
Towson, MD 21204

887-3353

October 24, 1991

Mr. William T. Smoot  
921 Army Road  
Baltimore, Maryland 21204

RE: Petition for Residential Zoning Variance  
Case No. 92-112-A

Dear Mr. Smoot:

Enclosed please find the decision rendered in the above captioned case. The Petition for Residential Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT  
Zoning Commissioner

LES:mmm  
encl.  
cc: Peoples Counsel

PETITION FOR RESIDENTIAL VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

92-126-A

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, petition for a Variance from Section

1802.3.B(202.3, 202.4) - to allow a side yard setback of 10 ft. and a rear yard setback of 36 ft. in lieu of the minimum required 20 ft. and 50 ft., respectively.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons (indicate hardship or practical difficulty):

1. Irregular shaped lot
  2. Set back on west side to within 2' of Dwelling
  3. Pool centered in rear of building
  4. Dwelling is a bedroom only
  5. Dwelling will be in same style, material, height as currently
- Property is to be advertised and/or posted as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above variance posting and, if necessary, advertising, upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:

(Type or Print Name)

Signature

Address

City/State/Zip Code

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

Attorney's Baltimore number

Legal Owner(s):

WILLIAM T. SMOOT

(Type or Print Name)

Signature

(Type or Print Name)

Signature

921 ARMY RD (301) 387-0314

BALTIMORE, MARYLAND 21204

City/State/Zip Code

Name, address and phone number of legal owner, contract purchaser or representative to be contacted.

Name

Address

Phone

ORDERED by the Zoning Commissioner of Baltimore County, this 20<sup>th</sup> day of SEPT, 1991, that the subject matter of this petition be posted on the property on or before the 6<sup>th</sup> day of Oct, 1991.

ZONING COMMISSIONER OF BALTIMORE COUNTY

A PUBLIC HEARING HAVING BEEN REQUESTED AND/OR FOUND TO BE REQUIRED,

IT IS FURTHER ORDERED by the Zoning Commissioner of Baltimore County, this 20<sup>th</sup> day of SEPT, 1991, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation published in Baltimore County, that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 108, County Office Building in Towson, Baltimore County.



REVIEWED BY: JJS DATE:

ZONING COMMISSIONER OF BALTIMORE COUNTY

ORDER RECEIVED FOR FILING

Date

By

AFFIDAVIT

IN SUPPORT OF RESIDENTIAL ZONING VARIANCE

92-126-A

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/so presently reside at 921 ARMY RD  
BALTIMORE, MARYLAND 21204  
(Address)

That based upon personal knowledge, the following are the facts upon which I/we base the request for a Residential Zoning Variance at the above address: (indicate hardship or practical difficulty)

1. Irregular shaped lot (a) west side set back within 2' of dwelling (2) Pool centered in rear of building (4) Dwelling is a bedroom only (5) addition will be same material style & height as currently

That Affiant(s) acknowledge(s) that if protest is filed, Affiant(s) will be required to pay a reporting and advertising fee and may be required to provide additional information.

AFFIANT (Handwritten Signature)

AFFIANT (Handwritten Signature)

AFFIANT (Printed Name)

AFFIANT (Printed Name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 20<sup>th</sup> day of September, 1991, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

William T. Smoot

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in the form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

Sept. 20, 1991

DATE

John Marie Lerman

NOTARY PUBLIC

My Commission Expires: Oct. 1, 1992

Item #141

Zoning Description

Beginning at a point on the south side of Army Rd. which is 25 ft. wide at the distance of 1,510 ft. south west of Malvern Ave. along Along Army Rd. Being Lot #4 in the subdivision of Dogwood Valley as recorded in Baltimore County Plat Book 23 folio 129 containing .54 acre. Also known as 921 Army Rd. and located in the 9<sup>th</sup> Election District.

92-126-A

CERTIFICATE OF POSTING  
ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

District: 141

Date of Posting: October 24, 1991

Posted for:

Petitioner:

Location of property:

Location of signs:

Remarks:

Posted by:

Date of return:

Number of signs:

Baltimore County  
Zoning Commissioner  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

receipt

Account: R-001-6150  
Number

DATE: 10/24/91  
TIME: 1:00 PM  
BY: LES:mmm  
FOR: 92-126-A

04A04#0075MICRRC \$60.00  
SN C010154#009-20-91  
Please Make Checks Payable To: Baltimore County

Baltimore County Government  
Office of Zoning Administration  
and Development Management  
Office of Planning & Zoning



111 West Chesapeake Avenue  
Towson, MD 21204

September 25, 1991

887-3353

William Smoot  
921 Army Road  
Baltimore, Maryland 21204

Re: CASE NUMBER: 92-126-A  
LOCATION: 921 Army Road, 1510' SW of Malvern Avenue  
921 Army Road

Dear Petitioner(s):

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Any contact made with this office should reference the case number. This letter also serves as a refresher regarding the administrative process.

1) Your property will be posted on or before October 6, 1991. The closing date is October 21, 1991. The closing date is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. At that time, an order will issue. This order may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.

2) In cases requiring public hearing (whether due to a neighbor's formal request or by order of the Commissioner), the property will be reported and notice of the hearing will appear in two local newspapers. Charges related to the reporting and advertising are payable by the petitioner(s).

3) Please be advised that you must return the signs and post will result in a \$50.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW AND THE DECISION MAKING PROCESS. WHEN THE ORDER IS READY IT WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION PRIOR TO BEING MAILED TO YOU.

Very truly yours,

G. G. Stephens  
(301) 887-3391

October 21, 1991

Mr. William T. Smoot  
921 Army Road  
Baltimore, MD 21204

RE: Item No. 141, Case No. 92-126-A  
Petitioner: William T. Smoot  
Petition for Residential Variance

Dear Mr. Smoot:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

- 1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a review by Zoning personnel.

Zoning Plans Advisory Committee Comments  
Date:  
Page 2

2) Anyone using this system should be fully aware that they are responsible for the accuracy and completeness of any such petition. All petitions filed in this manner will be reviewed and commented on by Zoning personnel prior to the hearing. In the event that the petition has not been filed correctly, there is always a possibility that another hearing will be required or the Zoning Commissioner will deny the petition due to errors or incompleteness.

3) Attorneys and/or engineers who make appointments to file petitions on a regular basis and fail to keep the appointment without a 72 hour notice will be required to submit the appropriate filing fee at the time future appointments are made. Failure to keep these appointments without proper advance notice, i.e. 72 hours, will result in the loss of filing fee.

Very truly yours,  
*James E. Dyer*  
JAMES E. DYER  
Chairman  
Zoning Plans Advisory Committee

JED:jw

Enclosures

Your petition has been received and accepted for filing this  
20th day of September, 1991.

*Arnold Jablon*  
ARNOLD JABLON  
DIRECTOR

Received By:

*James E. Dyer*  
Chairman,  
Zoning Plans Advisory Committee

Petitioner: William T. Smoot

Petitioner's Attorney:

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: September 27, 1991  
Zoning Administration and  
Development Management

FROM: Pat Keller, Deputy Director  
Office of Planning and Zoning

SUBJECT: Romano Property, Item No. 127  
Cochran Property, Item No. 129  
Panagiotou Property, Item No. 130  
Cernak Property, Item No. 135  
Noravian Property, Item No. 137  
Frantz Property, Item No. 138  
Sedlak Property, Item No. 140  
Smoot Property, Item No. 141

In reference to the Petitioner's request, staff offers no comments.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/rdn

ITEMS127/TXTROZ

Arnold Jablon  
Director  
Zoning Administration and  
Development Management  
Baltimore County Office Building  
Towson, MD 21204

RE: Property Owner: WILLIAM T. SMOOT  
Location: #921 ARMY ROAD  
Item No.: 141 Zoning Agenda: OCTOBER 1, 1991

Comment:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWED: *[Signature]* Noted and Approved: *[Signature]*  
Planning Commission Fire Prevention Bureau  
Special Inspection Division

JP/KEV

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: September 27, 1991  
Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E.

RE: Zoning Advisory Committee Meeting  
for October 1, 1991

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 127, 129, 130, 131, 132, 133, 135, 137, 138, 139, 140 and 141.

For Item 134, this subdivision is okay, with no comments needed.

For Item 136, the comments are reserved until the County Review Group plan is submitted. However, sideyard setback dimensions may change as a result of the County Review Group comments.

*Robert W. Bowling*  
ROBERT W. BOWLING, P.E. Chief  
Developers Engineering Division

RWB:e

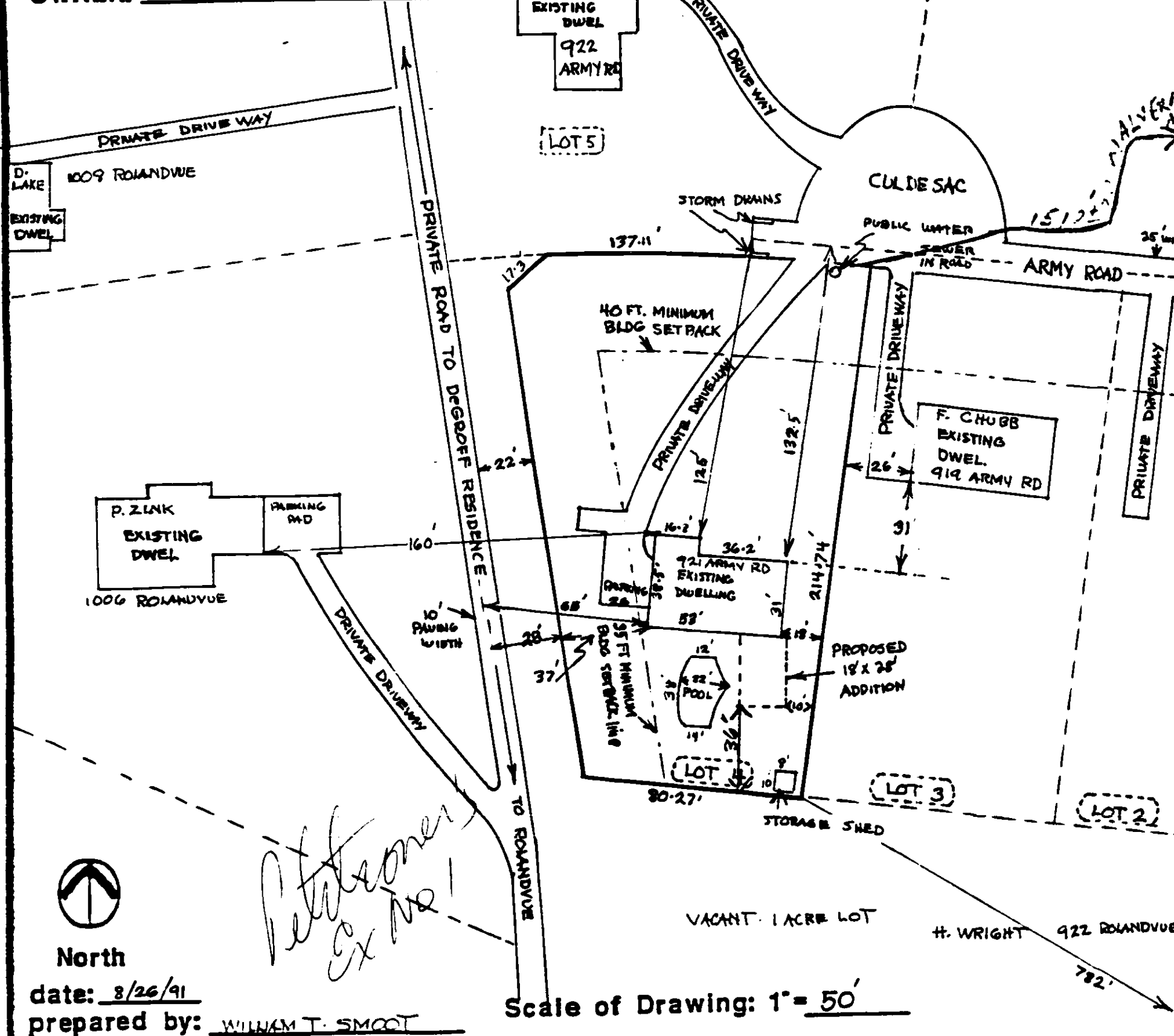
Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

PROPERTY ADDRESS: 921 ARMY ROAD

see pages 5 & 6 of the CHECKLIST for additional required information

Subdivision name: DOGWOOD VALLEY  
plat book# 22, folio# 129, lot# 4, section#  
Block 8

OWNER: WILLIAM T. SMOOT





92-126-A

CASE NUMBER 92-126-A

PETITIONER'S EXHIBIT #



1988 COMPREHENSIVE ZONING MAP  
Adopted by the Baltimore County Council  
Oct. 13, 1988  
CEN Map: 144-00, 145-00, 146-00, 147-00, 148-00, 149-00, 150-00

**BALTIMORE COUNTY  
OFFICE OF PLANNING AND ZONING  
OFFICIAL ZONING MAP**

SCALE  
1" = 200'

DATE OF PHOTOGRAPHY  
JANUARY 1988

LOCATION  
RUXTON  
TOWSON

D.R. 10.5  
SHEET

THIS MAP HAS BEEN REVISED IN SELECTED AREAS.  
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS  
BY BUCHART-HORN, INC. BALTIMORE, MD. 21210